IN THE HIGH COURT OF JUDICATURE AT BILASPUR(C.G.)

W.P.NO. 1420 OF 2005

SINGLE BENCH

(WRIT PETITION U/A 226/227 OF THE CONSTITUTION OF INDIA)

BETWEEN

Basant Yadav s/o Late Tulsiram Yadav, aged about 34 years, r/o Ramayan Chowk, Chateediah, Bilaspur, Tehsil & District: Bilaspur(C.G.)

PETITIONER

AND

1. The State of Chhattisgarh,
   Through the secretary Department of Co-operative societies, Chhattisgarh,
   D.K.s.Building, Raipur(C.G.)

2. The Registrar,
   Co-operative Societies Chhattisgarh,
   Near Old R-T-O office, Near Railway crossing, Ring road no.1,
   Tehsil & District: Raipur(C.G.)

3. Chairman,
   Zila Sahakari Kendriya Bank Maryadit Bilaspur,
   Near Nehru Chowk, Bilaspur, Tehsil & District: Bilaspur(C.G.)

4. Chief Executive Officer (General Manager)
   Zila Sahakari Kendriya Bank Maryadit Bilaspur,
   Near Nehru Chowk, Bilaspur, Tehsil & District: Bilaspur(C.G.)

5. Shri C.P.Yadu.
   Chief Executive Officer (General Manager)
   Zila Sahakari Kendriya Bank Maryadit Bilaspur,
   Near Nehru Chowk, Bilaspur, Tehsil & District: Bilaspur(C.G.)

RESPONDENTS

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

W.P. No. 1420/2005

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

22/4/2006

Shri Shailendra Soni, counsel for the petitioner.

Shri G.K. Beriwal, Dy. Advocate General, for the State.

Shri Sanjay Patel, counsel for respondents no.3 to 5.

Heard on I.A. No.196/2006 for out of turn hearing.

The application is allowed.

Heard.

The matter relates to compassionate appointment.

Counsel for the petitioner submits that the petitioner's father, who was serving with respondent no.4, died on 2/2/2004 while in service. Counsel further submits that the petitioner applied for compassionate appointment in March, 2004 but no action was taken by the respondents. Counsel also submits that thereafter the petitioner filed a writ petition bearing No.3459/2004 which was disposed of by this Court vide order dated 17/1/2005 with a direction to the respondents to dispose of the application of the petitioner in accordance with law within a period of four months from the date of filing of the copy of the order.

It is contended by the counsel for the petitioner that under the Scheme the petitioner is entitled for compassionate appointment. It is further contended that the similarly situated persons have been given compassionate appointment.

Respondents no.3 to 5 have filed the return.

Counsel for respondents no.3 to 5 produced a copy of the resolution dated 30/7/2005 passed in the meeting held on 14/7/2005. Copy of resolution be filed.

It is contended by the counsel for respondents no.3 to 5 that they have resolved and respondent no.4 has sent the matter of compassionate appointment to the petitioner with recommendation before the respondent no.2/Registrar, Co-

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आदेश पत्रक

W.P. No. 1420/2005

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

operative Societies, which is pending consideration before him since last many months. It is further contended that reminders have also been sent but the file is lying with the respondent no.2/Registrar, Co-operative Societies. It is also pointed out that compassionate appointment is to be given by the Bank and what is required by the Registrar is only to give permission/ sanction and nothing more. Neither permission/sanction is given nor any reason has been assigned for not doing so. Notices were issued but the respondent no.2/Registrar, Co-operative Societies has not come forward to show any reason for such pendency in the office of the Registrar, Co-operative Socieites and matter is lying in the office of the Registrar. It will defeat the very purpose for which the appointment on compassionate ground is given as its object is to mitigate the hardship due to death of the bread-earner in the family. Such appointments have to be made immediately to redeem the family in distress. In the present case, despite the resolution was passed by the Bank, the apathy shown by the Registrar/Additional Registrar, Co-operative Societies whosoever is dealing with the matter is wholly unjustified and administrative measures are required to be taken by the State in this regard. It is also noted that not only the petitioner but there are 15 more cases which are pending. All the cases have to be considered and decided immediately.

The Hon. Supreme Court in the case of ***Smt. Sushma Gosain and others vs. Union of India and others*** reported in ***(1989) 4 SCC 468*** observed that in all claims of appointment on compassionate grounds, there should not be any delay in appointment. The purpose of providing appointment on compassionate ground is to mitigate the hardship due to death of the bread-earner in the family. Such

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आदेश पत्रक

मामला क्रमांक W.P.No. 1420/2005 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

appointments should, therefore, be provided immediately to redeem the family in distress.

The above view was reiterated by the Hon. Supreme Court in the cases of *Phool Wati (Smt.) vs. Union of India and Others* reported in *1991 Supp (2) SCC 689* and *Union of India and others vs. Bhagwan Singh* reported in *(1995) 6 SCC 476*.

Having considered the facts and circumstances of the cases and material on record, it is directed that the matter be examined by the Registrar/respondent no.2 expeditiously and the order be passed positively within a month from the date of production of the copy of this order before him and the result be communicated to the petitioner. Compliance report be also submitted to the Additional Registrar (Judicial) of this Court.

Subject to the observations made hereinabove, this petition stands disposed of.

Certified copy as per rules.

Copy to the learned Dy. Advocate General, as prayed for.

Sd/-
Fakhruddin
Judge

Hf/-

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